

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MYRTIS PAULO HART,

Plaintiff,

v.

Civ. No. 21-0008 KG-CG

DEPARTMENT OF
HOMELAND SECURITY, *et al*,

Defendants.

ORDER OF DISMISSAL

This matter is before the Court following Plaintiff's failure to prosecute his Amended Civil Complaint. (Doc. 18). In March and April 2021, several mailings to Plaintiff were returned as undeliverable. (Docs. 20, 22). The Court entered an Order to Show Cause on April 22, 2021 directing Plaintiff to notify the Clerk of his current address. *See D.N.M. LR-Civ. 83.6 (pro se parties have a continuing duty to notify the Court of their current address); Bradenburg v. Beaman, 632 F.2d 120, 122 (10th Cir. 1980)* ("It is incumbent on litigants, even those proceeding pro se, to follow the federal rules of procedure The same is true of simple, nonburdensome local rules....") (citations omitted).

The deadline to comply was May 24, 2021. The Order to Show Cause was also returned as undeliverable, and Plaintiff failed to update his address. Hence, the Court will dismiss the Amended Civil Complaint (Doc. 18) without prejudice under Fed. R. Civ. P. 41(b). That rule "permit[s] courts to dismiss actions *sua sponte* for a plaintiff's failure to ... comply with [civil rules and] court orders." *Olsen v. Mapes*, 333 F.3d 1199, 1204 n. 3 (10th Cir. 2003). The Court will also deny all pending motions as moot. This includes the Motions to Appoint Counsel (Docs. 6, 12) and the second Motion to Proceed *In Forma Pauperis* (Doc. 17).

IT IS ORDERED:

1. Plaintiff's Amended Civil Complaint (Doc. 18) is dismissed without prejudice.
2. Plaintiff's Motions to Appoint Counsel (Docs. 6, 12) and Motion to Proceed *In Forma Pauperis* (Doc. 17) are denied as moot.
3. The Court will enter a separate judgment closing this civil case.



UNITED STATES DISTRICT JUDGE